

It will be at once perceived that this duty involves the highest and most delicate power given to, or exercised by, the Judiciary. If exercised capriciously or corruptly, it amounts to an effective veto upon the will of the people, and may be made the means of Judicial oppression, the worst and most dangerous tyranny known in the history of nations. A political or private enemy may be deprived of a lucrative office, to which popular favor, founded upon his own merits, may have elected him; and a lasting injury may be done to a worthy man, without the benefit of an appeal, either to a higher tribunal or a jury of his peers.

But the injury inflicted upon the established tribunals of the State is scarcely less, if the suspicion once takes root, that in such a matter, free and impartial judgment has not been exercised. It acquires strength as it is communicated from one to another; and where all, as in this country, may freely express their opinions of public officers, prejudices are excited which impair confidence in our institutions, and tend peculiarly to destroy that respect which ought to be entertained for the Judicial power. That power ought to be above suspicion, and every charge gravely made, ought to be thoroughly examined. An examination is demanded by the duty we owe to the people, who may think they are wronged; to the individual making a charge or asking redress; and to the officer, the propriety or purity of whose decision may be impugned.

The undersigned do not mean to express any opinion upon the facts—It would ill become them to form an opinion, still less to express one, when they have been prevented by the decision of the majority of the committee from going into an enquiry of the nature and extent of the grievance complained of.

And what has been the decision of the committee? They have refused to enquire whether a petitioner who alleges that he has been most grossly wronged, has or has not been unjustly deprived of the most responsible and profitable office which the people of his county, can confer upon him.

When the undersigned considered the dangerous consequences of such a decision, they could not be silent, nor allow the report of the majority to pass without their protest.

If an examination had been made and the allegations had been found to be true, Mr. Clarke, ought at once to be